



DEMOCRATIC PARTY OF WISCONSIN

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August 22, 2003

Ellen Weintraub
Chair, Federal Election Commission
999 E Street
Washington, D.C. 20463

MUR # 5387

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2003 SEP -4 P 4: 28

Dear Chairwoman Weintraub,

I am writing to request an investigation into the campaign activities of Wisconsin State Senator Robert Welch, an announced candidate for the United States Senate. Mr. Welch has recently launched a statewide media campaign, meant to build his name recognition in parts of the state where he is unknown. This radio campaign is being funded by Mr. Welch's state senate account, but since Mr. Welch is an announced candidate for federal office it is illegal for him to use funds from a state account to run a federal campaign.

Mr. Welch's actions are a clear violation of the Bipartisan Campaign Reform Act, specifically 2 U.S.C. §441i(e)(1), 2 U.S.C. §441i(f) and 2 U.S.C. §431(20)(A)(iii) (1), which govern the use of non-federal money or "soft" money in federal campaigns. According to the laws:

2 U.S.C. §441i(e)(1) states that a candidate for Federal office "shall not-- (A)... spend funds in connection with an election for Federal office ... unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act."

2 U.S.C. §441i(f)(1) states that an "individual holding State or local office... may not spend any funds for a communication described in ... 2 U.S.C. §431(20)(A)(iii) unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Act."

2 U.S.C. §431(20)(A)(iii) defines a "communication" referred to above as "a public communication that refers to a clearly identified candidate for Federal office... and that promotes or supports a candidate for that office...(regardless of whether the communication expressly advocates a vote for or against the candidate)."

Mr. Welch is clearly using his state account to build name recognition for his federal campaign. Therefore, expenditures from his state account violate the prohibition in 441i(e)(1) governing spending in connection with a federal election, including any federal election activity. Simply put, the expenditures made by Mr. Welch's state account amount to "soft money" contributions and are illegal.

Despite the fact that Mr. Welch claims he will not be a candidate for state office again, he has aggressively raised money into his state campaign for the past six months. According to recent campaign finance reports Mr. Welch raised more than \$43,000 between January and June of this year and currently has more than \$103,000 in his state account.

A portion of this money is currently going to fund his statewide media campaign, which is a direct violation of 441i(f)(1). These ads are designed to mention and promote Mr. Welch in areas of the state that he does not represent and are clearly beneficial to his federal candidacy.

I respectfully request that you conduct a full investigation into this matter. Specifically I would like you to:

1. Determine if Mr. Welch's radio advertisements constitute a federal campaign activity.
2. Determine if Mr. Welch's decision to pay for the commercials from his state account is a violation of federal campaign finance rules.
3. Determine if Mr. Welch should be sanctioned or fined by the Federal Elections Commission for this activity.
4. Refer any potential criminal violations of the Act to the Department of Justice for their review and prosecution.

Thank you for your consideration of this matter. I anxiously await the outcome of your investigation.

Sincerely,



Seth Boffeli
Communications Director
Democratic Party of Wisconsin

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 21ST DAY OF AUGUST, 2003.

STATE OF WISCONSIN
COUNTY OF DANE
NOTARY EXPIRES JULY 15, 2007



GABRIELLA BOCANEGRA

